

### REMARKS

This amendment is offered in response to the Office Action of April 20, 2004.

The Office Action rejected Claim 15 under 35 U.S.C. §103(a) as obvious over the Bois reference (U.S. Patent No. 6,131,374) in view of the Ausnit reference (U.S. Patent No. 3,746,215). Similarly, the Office Action rejected Claim 15 under 35 U.S.C. §103(a) over the St. Phillips reference (U.S. Patent No. 5,964,532) in view of the Ausnit reference. The Office Action states that the Bois reference “lacks the use of a pouring spout”. Similarly, the St. Phillips reference appears to have no disclosure of a spout. The spout of the Ausnit reference is formed in the interior of the fastener and the bag. While this has been satisfactory in many respects, this results in the spout being immersed in the product during shipping and prior to use. This is also quite different from newly amended Claim 15 which recites “wherein said fastener includes a membrane extending over said fastener adapted for forming a pouring spout” (added language underlined).

It is therefore respectfully submitted that the rejections of Claim 15 are overcome.

For all of the reasons above, it is respectfully submitted that all of the presently pending claims are in immediate condition for allowance. The Examiner is respectfully requested to

withdraw the rejections of the claims, to allow the claims, and to pass this application to early issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald Levy", written over a horizontal line.

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